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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8688

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
vs.	COMPLAINT FOR VIOLATION OF
Julio Alejandro ELIAS	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Defendant.	

The undersigned complainant being duly sworn states:

That on or about August 1, 2008, within the Southern District of California, defendant Julio Alejandro ELIAS did knowingly and intentionally import approximately 18.56 kilograms (40.83 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4TH, DAY OF AUGUST 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES OF AMERICA

v.

Julio Alejandro ELIAS

PROBABLE CAUSE

I, John W. Reed, declare under penalty of perjury that the following statement of probable cause is true to the best of my knowledge.

On August 1, 2008 at approximately 1507 hours, Julio Alejandro ELIAS entered the United States at the Calexico, California, West Port of Entry. ELIAS was the driver of a 1998 Chevrolet Blazer. Customs and Border Protection Officer (CBPO) R. Galaviz conducted a primary inspection of ELIAS. ELIAS told CBPO Galaviz the only thing he was bringing from Mexico was piñatas and candies. CBPO Galaviz noticed ELIAS was extremely friendly and in a hurry to leave his inspection booth. CBPO Galaviz referred ELIAS to secondary inspection for further inspection.

CBPO E. Smura was conducting a lot sweep in the vehicle secondary inspection area with his Human/Narcotics Detector Dog (HNDD) "Kora." Kora alerted and responded to the rear of the 1998 Chevrolet Blazer that was driven by ELIAS. CBPO Smura notified CBPO C. Martinez of the HNDD alert. ELIAS was escorted to the vehicle secondary office. While in the vehicle secondary office, ELIAS told CBPO Smura, "Your dog does a great job."

CBPO C. Martinez conducted the secondary inspection of ELIAS and the vehicle he was driving. ELIAS told CBPO Martinez he traveled to Mexicali from his home in Cathedral City to purchase candies and piñatas for his niece's birthday party.

A subsequent inspection of the vehicle revealed twenty-three packages concealed in the vehicle spare tire. CBPO Martinez probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The twenty-three packages had a combined net weight of approximately 18.56 kilograms (40.83 pounds).

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ELIAS was interviewed by SA J. Reed and advised him of his Constitutional Rights, which he acknowledged and waived, agreeing to answer questions. ELIAS admitted knowledge of the marijuana in the vehicle he was driving and stated that he was going to take the marijuana to his house in Palm Springs and sell it.

Executed on 08/01/2008 at 2000 hours.

John W. Reed

John W. Reed, Special Agent
U.S. Immigration and Customs Enforcement

On the basis of the facts presented in the probable cause statement consisting of two (2) pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 1, 2008, in violation of Title 21 United States Code, Section(s) 952 & 960.

Date 8/2/08

United States Magistrate Judge 5:15 am